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**AMENDMENT #2 TO AGREEMENT
FOR CONSULTATION AND OTHER SERVICES**

This Amendment is entered into this 18th day of January 2005, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and Damon S. Williams Associates, (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an Agreement for professional consulting for various Capital Improvement Projects, on August 3rd, 2004; and

WHEREAS, the parties amended the agreement on January ____, 2005 and

WHEREAS, the parties desire to amend the Agreement to allow CONSULTANT to provide additional professional engineering services necessary to provide consulting services for various Capital Improvement projects.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. Section 2, entitled "Compensation" shall be increased by \$14,075 from \$54,705 to \$68,780.
2. Task 8 of the Scope of Services (Exhibit A) is hereby accepted by the city and consultant as an active part of the contract. Task 8 of the Scope of Services is hereby modified to also include development of technical supporting information necessary for city staff to complete grant applications.
3. Modify Scope of Services (Exhibit A) to include Task 9 for optional services in an amount not to exceed \$5000.
4. Exhibit B, entitled "Compensation Schedule, Personnel, and Rates", is amended by adding "Note 2: Amendment #2 increases the project budget by \$14,075 (from \$54,705 to \$68,780)".

5. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement dated August 3, 2004, between Consultant and the City of Milpitas. The Consultant shall provide the City with renewal certificates of the current policies upon the expiration of the current policy.

6. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

CONSULTANT

City Engineer as to content

City Manager

City Attorney as to Form

ATTESTED BY:

City Clerk